IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

OP.No. 31989 of 2000(G)

PETITIONER:

C.S.AMMINI, STORE KEEPER,
COMMUNITY HEALTH CENTRE,
KOTHAMANGALAM, ERNAKULAM DISTRICT

BY ADV. SRI.K.SUDHAKARAN(SR)
SRI.VAKKOM N.VIJAYAN
SRI.M.B.ANISH BABU
SMT.V.RENJU

RESPONDENTS:
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1. **STATE OF KERALA, REP.BY THE SECRETARY TO GOVERNMENT, HEALTH AND FAMILY WELFARE DEPARTMENT, THIRUVANANTHAPURAM**

2. **THE DIRECTOR OF HEALTH SERVICES, THIRUVANANTHAPURAM.**

3. **THE COMMISSIONER FOR GOVERNMENT EXAMINATIONS, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.54489/2000 IN OP. 31989/2000

DISMISSED

04.06.2007 **SD/- K.BALAKRISHNAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE APPLICATION DT.6.1. 1982 TO THE 1ST RESPONDENT.

EXT.P2:- COPY OF THE GOVERNMENT ORDER D.T.2.12.1997 NO.G.O.(Rt) NO.423497.

EXT.P3:- COPY OF THE LETTER DT.25.11.1998 BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P4:- COPY OF THE RELEVANT PAGE OF CORRECTED SSLC BOOK.

EXT.P5:- COPY OF THE LETTER DT.22.12.1998 OF THE DIST. MEDICAL OFFICER (H), ERNAKULAM.

EXT.P6:- COPY OF THE LETTER DT.23.2.1999 NO. 8560/H2/99/H & FWD BY THE SECRETARY TO GOVERNMENT.

EXT.P7:- COPY OF THE ORDER G.O.(P) NO.26/91 P&ARD DT.27.8.1991.

EXT.P8:- COPY OF THE G.O.(P) NO.45/91/P&ARD DT.30.12.1991.

/TRUE COPY/

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K.BALAKRISHNAN NAIR, J.

O.P. No. 31989 of 2000-G

Dated this the 4th day of June, 2007.

J U D G M E N T

The petitioner was an employee of the Department of Health Services. She retired from service in 2001. This original petition was filed by her on the eve of her retirement, challenging Ext.P6 order by which her claim for correction of date of birth in her service book was rejected. The brief facts of the case are the following:-

2. The petitioner submits, she applied as early as in 1980 for correction of her date of birth in the S.S.L.C. Book. Her date of birth in the service book is 24-9-1946. According to her, the correct date of birth was 23-9-1948. She also submitted an application for correction of date of birth in her service book on 6-1-1982 which is produced as Ext.P1. The petitioner could get her S.S.L.C. book corrected only by Ext.P2 order of the Government dated 2-12-1997. Thereafter, the petitioner moved the Government for correction of her date of birth in the service book. But, in the meantime, the Government issued Ext.P8 order dated 30-12-1991 providing that correction of date of birth will be permitted only within 5 years of entry into service. The existing incumbents as on that date was given chance to correct the

date of birth within one year of issuance of such order. Since the petitioner's application was accompanied by the S.S.L.C. book corrected only in 1997, the same was rejected by Ext.P6. This original petition is filed challenging Ext.P6 and seeking consequential reliefs.

3. The petitioner submits, since she has already applied in 1982 for correction of her date of birth, Ext.P8 Government Order will not apply to her. It is also submitted that with the corrected S.S.L.C. book, she has applied within two years of her retirement. Therefore, Ext.P6 is liable to be quashed.

4. The first respondent has filed a counter affidavit supporting the impugned orders.

5. Heard the learned counsel on both sides. Once Ext.P8 Government Order dated 30-12-1991 is issued, all the applications for correction of date of birth submitted thereafter will be governed by the said Government Order. As per that Government Order, the existing incumbents who thought that they will get time to apply for correction of date of birth upto 2 years of their retirement were given a chance to apply for correction, within one year. That means, the last

date for submission of application was 30-12-1992. The petitioner could not submit the application within the said time limit with the corrected S.S.L.C. book. Since the petitioner was a person who passed S.S.L.C. examination, her application for correction of date of birth should be accompanied by the S.S.L.C. book. That stipulation was always there in the Government Orders governing the correction of date of birth. That condition was incorporated in Ext.P8 Government order also, as evident from para 4 therein which reads as follows:

> " The conditions that such applications, in the case of those who have attended a School, shall be supported by attested copies of S.S.L.C/ S.S.C. Book or extract of school record as corrected and that mere correction of date of birth in the school record does not entitle the employee for consequential correction of date of birth in Service book will remain unchanged. Each case will be considered by Government on merits and orders passed."

In view of the above-quoted para, the applications stated to be submitted by the petitioner in 1982 is no valid application. Since the

existing incumbents were given only one year's time, the claim of the petitioner that she is entitled to apply before two years of her retirement is also plainly unsustainable.

In the result, the Original Petition fails, and it is dismissed.

K.BALAKRISHNAN NAIR,
JUDGE.

MS

K.BALAKRISHNAN NAIR, J.

O.P.NO.31989 OF 2000-G

JUDGMENT

DATED 4TH JUNE, 2007